

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI HOLDINGS,
LLC,

Defendants.

Civil Action No.
1:23-cv-11195 (SHS) (OTW)

DAILY NEWS, LP; THE CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC; SUN-
SENTINEL COMPANY, LLC; SAN JOSE
MERCURY-NEWS, LLC; DP MEDIA NETWORK,
LLC; ORB PUBLISHING, LLC; AND
NORTHWEST PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI HOLDINGS,
LLC,

Defendants.

Civil Action No.
1:24-cv-03285 (SHS) (OTW)

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs The New York Times Company; Daily News, LP; The Chicago Tribune
Company, LLC; Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC;

San Jose Mercury-News, LLC; DP Media Network, LLC; ORB Publishing, LLC; and Northwest Publications, LLC (collectively “Plaintiffs”), by and through their undersigned counsel, respectfully submit this Notice of Supplemental Authority to apprise the Court of a recent order that further supports Plaintiffs’ Oppositions to Defendants’ pending Motions to Dismiss.¹

On March 7, 2025, in *Kadrey et al. v. Meta Platforms, Inc.*, No. 23-cv-03417-VC (N.D. Cal.), Judge Chhabria issued an order denying Meta’s motion to dismiss Plaintiffs’ claim under 17 U.S.C. § 1202(b)(1). *See* Order Granting in Part and Denying in Part Motion to Dismiss, *Kadrey*, No. 23-cv-03417-VC, Dkt. No. 471 (March 7, 2025) (the “Order”). The Order is attached hereto as Exhibit A. Following Judge Rakoff’s ruling in *The Intercept Media, Inc. v. OpenAI, Inc.*, 2025 WL 556019, at *5-6 (S.D.N.Y. Feb. 20, 2025), Judge Chhabria found that Plaintiffs adequately alleged both: (i) a sufficient injury for Article III standing; and (ii) that Meta had intentionally removed CMI to conceal copyright infringement. Order at 1-3.

Dated: March 10, 2025

/s/ Ian Crosby

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¹ OpenAI’s Motion to Dismiss and Microsoft’s Motion to Dismiss against The Times are filed at Dkt Nos. 51 and 64, respectively, and The Times’s Oppositions to those Motions are filed at Dkt Nos. 73 and 76, respectively, in case No. 23-cv-11195. Microsoft’s Motion to Dismiss and OpenAI’s Motion to Dismiss against the *Daily News* Plaintiffs are filed at Dkt Nos. 76 and 80, respectively, and the *Daily News* Plaintiffs’ Oppositions to those Motions are filed at Dkt Nos. 98 and 100, respectively, in case No. 24-cv-3285.

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